

REMARKS

Applicant intends this response to be a complete response to the Examiner's **21 September 2005** Non-Final Office Action. Applicant has labeled the paragraphs in his response to correspond to the paragraph labeling in the Office Action for the convenience of the Examiner.

Rejections Under 35 U.S.C. §112, ¶2

Claims 11-18 and 21-33 stand rejected under 35 U.S.C. § 112, ¶2. Applicants traverse these rejection as request reconsideration.

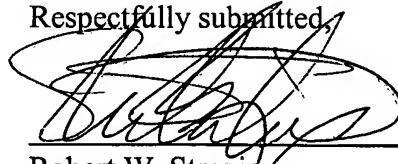
In particular, claim 11 is indefinite because the term "the extracted pectinaceous soy material" lacks an antecedent basis. Applicants have amended claim 11 to remove the word extracted, which converts the term into a term having antecedent basis in the previous step. This amendment although required to correct an antecedent basis problem, is not a narrowing amendment as that term is understood in the context of the Federal Circuit's Festo decisions. Therefore, no estoppel issues regarding equivalents can attach to this amendment.

In particular, claims 12, 21 and 28 include the confusing term "a solid residue." Applicants have amended these claims converting the term "a solid residue" into the term "an insoluble residue." This term finds basis in the application at least at page 8, lines 11-12. The residue being referred to are the parts of the hull/hypocotyl mixture that is not solubilized during extracting step. This amendment although required to correct an antecedent basis problem, is not a narrowing amendment as that term is understood in the context of the Federal Circuit's Festo decisions. Therefore, no estoppel issues regarding equivalents can attach to this amendment.

If it would be of assistance in resolving any issues in this application, the Examiner is kindly invited to contact applicant's attorney Robert W. Strozier at 713.977.7000

Date: 18 February 2004

Respectfully submitted,



Robert W. Strozier
Reg. No. 34,024